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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,806	03/06/2002	Richard M. Holbrook	45758/RRT/O205	8373

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EXAMINER

AIRAPETIAN, MILA

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,806	<b>Applicant(s)</b> HOLBROOK ET AL.	
	<b>Examiner</b> Mila Airapetian	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 and 44-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 19-43 and 48-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/05/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

(i) Claims: 1-14, 19-43, 48-58 are directed to the method and system for designing a configurable furniture product.

(ii) Claims 1, 15-18, 32, 44-47 are directed to the method and system for creating an employee group.

Species (i) and (ii), as indicated above, are distinct and mutually exclusive of each other because species (ii) is directed to a utility of creating an employee group which is not required by species (i) claims, and as such search required for species (ii) claims is not required for species (i) claims.

During a telephone conversation with Mr. Raymond Tabandeh on July 28, 2005 a provisional election was made without traverse to prosecute the invention of claims 1-14, 19-43, 48-58. Claims 15-18, 44-47 are withdrawn from further consideration. Currently, claims 1-14, 19-43, 48-58 are pending for examination.

Currently, claim 1 is generic. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 4, 6-14, 19, 20, 22, 23, 25-32, 34, 35, 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (6,052,669).**

**Regarding claim 1,**

Smith teaches a method for remote order generation of furniture products comprising:

accessing a plurality of 3-D modular furniture components images and data stored in a database via a computer network (generating visual specification in three-dimensional (3-D) rendered images; col. 3, lines 57-59), (moving components in the configuration; col.4. lines 11-15), (the computer system is connectable to a network; col. 5, lines 29-34);

displaying a portion of the stored plurality of 3-D modular furniture components images and data selectable by a user (display screen on a monitor; col. 3 lines 57-67);

placing one or more of the displayed modular furniture components images in a displayed screen responsive to a set of predetermined placement rules (modeling tools, col. 11, lines 16-21); (user positions the component; col. 10, lines 48-58), and

arranging the placed modular furniture components to design the configurable furniture product (modeling tool removes redundant structures, replaces parts, col. 11, lines 16-21).

**Regarding claim 3**, electronically transmitting a purchase order responsive to the designed furniture product (quote can be sent directly to the ordering department; col. 12, lines 12-14).

**Regarding claim 4**, electronically transmitting fulfillment instructions responsive to the purchase order (col. 12, lines 12-14, which discloses transmitting the quote in the form of order for order fulfillment to the ordering department).

**Regarding claim 6**, displaying a specification of the designed furniture product for review by the user (GUI provides the user with information about the product selected; col. 3, lines 62-67).

**Regarding claim 7**, said method, wherein the displayed specification includes information about size, color and description of each component in the designed furniture product (col. 6, lines 15-25).

**Regarding claim 8**, editing (modifying) the designed furniture configuration (col. 9, lines 48-52).

**Regarding claim 9**, assigning one or more options to the designed furniture product (selecting product options) (col. 9, lines 53-55).

**Regarding claim 10**, said method, wherein the assigned options include color and texture (col. 9, lines 34, 35).

**Regarding claim 11**,  
displaying a catalog (various product lines) including a plurality of pre-arranged furniture products (col. 8, lines 22-27);

browsing through the displayed catalog (tour through a virtual showroom; col. 8, lines 22-27);

selecting a pre-arranged furniture product catalog (col. 9, lines 20, 21); and

modifying the selected pre-arranged furniture product to design a customized furniture product (col. 9, lines 49-52)

**Regarding claim 12**, saving the designed configurable furniture product (saves the current project to a storage device; col. 8, lines 59-61).

**Regarding claim 13**, saving the designed configurable furniture product in a customized catalog (the information is stored and accessed as needed, col.7, lines 6-12; loading an existing project; col. 7, lines 34-36).

**Regarding claim 14**, electronically transmitting the saved furniture product over the computer network (send directly to the ordering department; col. 12, lines 12-14).

**Regarding claim 19,**

Smith et al. teaches a method for remote order generation of furniture products comprising:

storing a plurality of 3-D modular furniture components images and data in a database accessible via a computer network (col.7, lines 6-12, 34-36);

storing a plurality of requirements input by an administrator (providing system constraints) (col. 6, lines 7-9);

displaying a portion of the plurality of 3-D modular furniture components images and data selectable by a user (generating visual specification in three-dimensional (3-D) rendered images) (col. 3, lines 57-59; col.4. lines 11-15; col. 5, lines 29-34);

accepting inputs from the user for placing one or more of the displayed modular furniture components images and data in a displayed screen (col. 10, lines 48-58, col. 11, lines 16-21);

configuring the placed modular furniture components images and data to design the configurable furniture product responsive to the stored requirements (col. 11, lines 15-21).

**Regarding claim 20**, preventing the placement of the modular furniture components if the placement is in violation of the stored requirements (ensuring that the arranged selected component it is a valid configuration) (col. 10, lines 48-67).

**Regarding claim 22**, electronically transmitting a purchase order responsive to the designed furniture product (quote can be sent directly to the ordering department; col. 12, lines 12-14).

**Regarding claim 23**, electronically transmitting fulfillment instructions responsive to the purchase order (col. 12, lines 12-14, which discloses transmitting the quote in the form of order for order fulfillment to the ordering department).

**Regarding claim 25**, displaying a specification of the designed furniture product for review by the user (GUI provides the user with information about the product selected col. 3, lines 62-67).

**Regarding claim 26**, said method, wherein the displayed specification includes information about cost, quantity, size, and description of each component in the designed furniture product (col. 6, lines 15-25).

**Regarding claim 27**, editing (modifying) the designed furniture configuration (col. 9, lines 48-52).

**Regarding claim 28**, assigning one or more options to the designed furniture product (selecting product options) (col. 9, lines 53-55).

**Regarding claim 29**,  
displaying a catalog (various product lines) including a plurality of pre-arranged furniture products (col. 8, lines 22-27);

browsing through the displayed catalog (tour through a virtual showroom; col. 9, lines 20, 21);

selecting a pre-arranged furniture product catalog (col. 9, lines 20, 21); and

modifying the selected pre-arranged furniture product to design a customized furniture product (col. 9, lines 49-52).

**Regarding claim 30**, saving the designed configurable furniture product in a customized catalog (the information is stored and accessed as needed, col.7, lines 6-12; loading an existing project; col. 7, lines 34-36).

**Regarding claim 31**, notifying the user if the designed configuration violates any of the stored requirements (modeling tool indicates that the configuration is not feasible; col. 10, lines 65-67).

**Regarding claim 32**, Smith teaches a system for remote order generation of furniture products comprising:

a database accessible via a computer network for storing a plurality of 3-D modular furniture components images and data (system that generates 3D images, col. 3, lines 57-59; components in the configuration, col. 4, lines 11-15, system connected to a network, col. 5, lines 31-34, teaches that "data may reside at remote locations" which corresponds to a database, as claimed);

a display screen for displaying a portion of the plurality of 3-D modular furniture components images and data selectable by a user (col. 3 lines 57-67);

a placement module for placing one or more of the displayed modular furniture components images in a displayed screen responsive to a set of predetermined placement rules (configuration check icon, col. 10, lines 60-65, modelling tools ensures the cluster is feasible, col. 11, lines 16-21); and

means for arranging the placed modular furniture components to design the configurable furniture product (modeling tool, col. 10, lines 48-58, col. 11, lines 16-21).

**Regarding claim 34**, means for electronically transmitting a purchase order responsive to the designed furniture product (quote can be sent directly to the ordering department; col. 12, lines 12-14).



**Regarding claim 35**, electronically transmitting fulfillment instructions responsive to the purchase order (col. 12, lines 12-14, which discloses transmitting the quote in the form of order for order fulfillment to the ordering department).

**Regarding claim 37**, means for displaying a specification of the designed furniture product for review by the user (col. 3, lines 62-67).

**Regarding claim 38**, said system, wherein the displayed specification includes information about cost, quantity, size, and description of each component in the designed furniture product (col. 6, lines 15-25).

**Regarding claim 39**, means for editing (modifying) the designed furniture product (col. 9, lines 48-52).

**Regarding claim 40**, means for assigning one or more options to the designed furniture product (selecting product options, col. 9, lines 53-55).

**Regarding claim 41**,  
means for displaying a catalog including a plurality of pre-arranged furniture products (col. 3, lines 62-64);

means for browsing through the displayed catalog (col. 9, lines 20, 21);

means for selecting a pre-arranged furniture product (col. 9, lines 20, 21);

means for modifying the selected pre-arranged furniture product to design a customized furniture product (col. 9, lines 49-52).

**Regarding claim 42**, a memory for saving the designed configurable furniture product (col. 4, lines 62).

**Regarding claim 43**, means for electronically transmitting the saved furniture product over the computer network (col. 12, lines 12-15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 21, 33, 48, 52, 53, 54, 56-58 are rejected under 35 U.S.C 103(a) as being unpatentable over Smith et al. in view of Mumm et al. (US 2003/0085915).**

**Regarding claim 2**, Smith teaches all the limitations of claim 2, except that said network is the Internet; and said database is accessible via a web site.

Mumm et al. teaches method and system for customizing designer products wherein customer can access the furniture manufacturer's webpage via the Internet [0018], [0021]; and the database which includes pre-prepared components is accessible via the website [0018].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith et al. to include that said network is the Internet and the database is accessible via a web site, as disclosed in Mumm, because internet is the largest existing network where millions of people can use it simultaneously, and having such program on the web site will allow people all over the world to access it, which will result in increasing of revenue and profits for manufacturers.

**Regarding claim 21 and 33**, these limitations are already covered and analyzed in claim 2 above.

**Regarding claim 48**, Smith teaches a system for remote order generation of furniture products comprising:

a plurality of modular furniture components (col. 4, lines 11-15);

a database including electronic images and specifications of the plurality of modular furniture components (col. 3, lines 57-59; col. 4, lines 11-15);

a configurator accessible via the web site by the furniture end-user for configuring a furniture product including a selected portion of the plurality of modular furniture components utilizing the images and specifications stored in the database, wherein the configured furniture product is assembled using the selected portion of the plurality of modular furniture components and information generated by the configurator (modeling tool configure office furniture system, col. 6, lines 5-9).

Smith does not teach that said network is the Internet, and said database is accessible via a web site.

Mumm et al. teaches method and system for customizing designer products wherein customer can access the furniture manufacturer's webpage via the Internet [0018], [0021]; and the database which includes pre-prepared components is accessible via the website [0018].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith et al. to include that said network is the Internet and the database is accessible via a web site, as disclosed in Mumm, because internet is the largest existing network where millions of people can use it simultaneously, and having such program on the web site will allow people all over the world to access it, which will result in increasing of revenue and profits for manufacturers.

Furthermore, Smith teaches:

**Regarding claim 52**, said system wherein the configurator (modeling tool) includes:

a display screen for displaying a selectable portion of the electronic images and specifications from the database (col. 3, lines 62-67);

a placement module for placing one or more of the displayed modular furniture components images in a displayed screen responsive to a set of predetermined placement rules (col. 10, lines 48-49); and

means for arranging the placed modular furniture components to configure the furniture product (modeling tool removes redundant structures, col. 11, lines 15-21).

**Regarding claim 53**, said system wherein the configurator (modeling tool) includes means for electronically transmitting a purchase order responsive to the configured furniture product (quote can be sent directly to the ordering department; col. 12, lines 12-14).

**Regarding claim 54**, electronically transmitting fulfillment instructions responsive to the purchase order (col. 12, lines 12-14, which discloses transmitting the quote in the form of order for order fulfillment to the ordering department).

**Regarding claim 56**, said system wherein the configurator (modeling tool) includes means for displaying a specification of the designed furniture product for review by the user (col. 3, lines 62-67).

**Regarding claim 57**, said system wherein the displayed specification includes information about cost, quantity, size, and description of each component in the designed furniture product (col. 6, lines 15-25).

**Regarding claim 58**, said system wherein the configurator (modeling tool) includes means for editing the designed furniture product (modifying, col.9, lines 48-49).

**Claims 5, 24 and 36 are rejected under 35 U.S.C 103(a) as being unpatentable over Smith et al. in view of Henson (US 6167383).**

**Regarding claim 5**, Smith et al teaches all the limitations of claim 5, except specifically teaching electronically transmitting shipping instructions responsive to the purchase order.

Henson teaches a method for ordering customer configured products at an internet site, including electronically transmitting shipping instructions (col. 13, lines 62-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith et al. to include electronically transmitting shipping instructions responsive to the purchase order, as disclosed in Henson, because it will advantageously allow the seller to ship the ordered products to the purchaser when they are ready.

**Regarding claim 24 and 36**, these limitations are already covered and analyzed in claim 5 above.

**Claims 49-51 are rejected under 35 U.S.C 103(a) as being unpatentable over Smith et al. in view of Mumm et al. and further in view of Spetner (US 4,053,192).**

**Regarding claim 49**, Smith and Mumm teach all the limitations of claim 49 except that said plurality of modular furniture components includes one or more of a rail, a clip, a fastener, and a fixture.

Spetner is the same field of endeavor, that is Modular Furniture, teaches that the plurality of modular furniture components includes one or more of a rail, a clip, a fastener, and a fixture (col.1, lines 47-60), required for connecting furniture components to produce the final assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith and Mumm to disclose that said plurality of modular furniture components includes one or more of a rail, a clip, a fastener, and a fixture, as disclosed in Spetner, because they would be required by users to assemble the furniture on receipt, as known to one of an ordinary skill in the art.

**Regarding claim 50**, Spetner teaches said system wherein the plurality of modular furniture components includes a plurality of rails, means for securing a fixture to the rails, and a connector for adjoining two rails (col. 1, lines 47-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith and Mumm to disclose that said plurality of modular furniture components includes one or more of a rail, a clip, a fastener, and a fixture, as disclosed in Spetner, because they would be required by users to assemble the furniture on receipt, as known to one of an ordinary skill in the art.

**Regarding claim 51**, Spetner teaches said system the fixture is one or more of a hanging rod, a board, a gusset, and a shelf (col. 2, lines 52-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith and Mumm to disclose that said plurality of modular furniture components includes one or more of a rail, a clip, a fastener, and a fixture, as disclosed in Spetner, because they would be required by users to assemble the furniture on receipt, as known to one of an ordinary skill in the art.

**Claims 55 is rejected under 35 U.S.C 103(a) as being unpatentable over Smith et al. in view of Mumm et al., and further in view of Henson.**

**Regarding claim 55**, Smith, Mumm teach all the limitations of claim 55, except that the configurator includes means for electronically transmitting shipping instructions responsive to the purchase order.

Henson teaches a method for providing customer configured products at an internet site, including electronically transmitting shipping instructions (col. 13, lines 62-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith et al. and Mumm to include electronically

transmitting shipping instructions responsive to the purchase order, as disclosed in Henson, because it will allow the seller to ship the ordered products to the purchaser when they are ready.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) 2002/0169882 to Wole Fayemi discloses a system and method for mass-customizing and assembling multi-component articles including the steps of choosing the articles and selecting the components attachable to three-dimensional structure of the article.

(ii) EP 1112705 to Amiguet Soler discloses modular arrangement for the construction of office and household furniture.

(iii) WO 99/47024 to Manferdini discloses a modular system for composing furniture consisting of a plurality of elements for connection of the modules.

(iv) Bidner, Kevin, in "Virtual reality emerges from parametric technology" discloses a new strategy called "parametric". This technology creates a "virtual product", a software duplicate of every aspect of the product; each manufactured component of the finished unit is created separately.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mila Airapetian

Examiner

Art Unit 3625

MA

Art Unit 3625

  
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